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REMARKS

Applicant wishes to thank the Examiner for the detailed remarks. Claim 1 has been amended. Claims 2, 3, and 7-9 have been cancelled. New claims 10-12 have been added. Accordingly, claims 1, 4-6, and 10-12 are pending.

Claims 1, 2, and 4-8 were rejected under 35 U.S.C. §102(b) as being anticipated by *Bullinger et al.* (6031484). Applicant respectfully traverses this rejection. The Examiner has admitted that *Bullinger* fails to show determining whether the vehicle is traveling below a predetermined speed for a predetermined time. Amended claim 1 and claim 10 recite this limitation and are thus properly allowable over *Bullinger*.

Claims 3 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Bullinger* in view of *Hibino* (5631639). Appellant respectfully traverses this rejection as there is absolutely no teaching, suggestion, or motivation to modify to combine *Bullinger* with *Hibino*. As noted above, the Examiner admits that *Bullinger* fails to show "determining whether the vehicle is traveling below a predetermined speed for a predetermined time." The Examiner then argues that *Hibino* discloses determining whether a vehicle is not moving including determining whether it is traveling below a predetermined speed for a predetermined time [Col. 13, lines 25-32.] However, the section cited by the Examiner and, in particular, lines 20-60, although discussing a range of vehicle speeds VR [for example less than S1 (e.g., 40 km/h) or greater than S4 (e.g., 80 km/h)] are utilized to delineate an alarm zone, *Hibino* is actually discussing a relative speed of the vehicle in relationship to a tracked stationery object. That is, *Hibino* is directed towards a collision-avoiding distance with reference to the stationery object. *Hibino* states:

> additional distance. An upper area defined above the boundary indicates a non-alarm zone in which the distance LR to the tracked stationary object falls within a safe distance allowing the vehicle operator to avoid collision with the stationary object through braking and steering operations. A lower area defined below the boundary indicates an alarm zone in which the distance LR falls out of the safe distance and which shows that there is a high possibility of collision with the tracked stationary object.

Hibino is concerned only with a relative speed in relation to a stationery object for collision alarm and avoidance. *Bullinger* too provides a relative speed comparison with regard to an object such that the object may be determined to be at rest, approaching the vehicle or moving

away from it. [See Col. 7, lines 60-66.] In fact, *Bullinger* utilizes a Doppler-radar measuring device for this determination similar to the laser beam of *Hibino*. It is axiomatic that an obviousness rejection must come from the suggestions or teachings of the references themselves. A proper suggestion or motivation to make a combination requires some benefit to result from the combination. When the additional teachings of a secondary reference do not provide any benefit to the arrangement disclosed in a primary reference, no prima facie case of obviousness exists. *Hibino* provides no benefit to the Doppler-radar system of *Bullinger* and the proposed combination is therefore improper. The claims are properly allowable for this reason alone.

Furthermore, neither of the cited references are concerned with the very low speeds of Applicant's invention. That is, Applicant provides an uncomplicated and inexpensive method to sensitize and desensitize a deployment algorithm decision *without concern for movement of the vehicle relative to another object* but only requires a relatively uncomplicated vehicle speed determination. Complicated and expensive systems such as laser or radar measuring devices are accordingly unneeded. Thus, a more efficient, less expensive, and more elegant methodology is disclosed in claim by Applicant.

Finally, Applicant utilizes the inventive method with a side impact airbag so as to sensitize or desensitize a deployment algorithm decision threshold therefore. Applicant has amended the claims to specifically recite a side-impact airbag. Utilization with a side impact airbag further distinguishes Applicant's invention from the disclosed by the cited references which are necessarily concerned with relative velocity typical of a forward impact event.

New claims 10-12 recite further features of the present invention which are neither disclosed nor suggested by the cited references and are thus properly allowable.

Applicant respectfully submits that this case is in condition for allowance. If the Examiner believes that a teleconference will facilitate moving this case forward to being issued, Applicant's representative can be contacted at the number indicated below.

Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.

DAVID L. WISZ
Registration No. 46,350
Attorneys for Applicant
400 West Maple, Suite 350
Birmingham, Michigan 48009
(248) 988-8360

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